REMARKS

1. Claims 1-14 are pending in the application.

2. Claims 1-4 and 14 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0196784 to Masuda.

3. Claim 5 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Masuda in view of U.S. Pat. No. 5,596,730 to Sekine and further in view of U.S. Pat. App. Pub. No. 2005/0175004 to Russell et al.

4. Claim 6 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Masuda in view of U.S. Pat. App. Pub. No. 2008/0291832 to Bordogna et al.

5. Claims 7-8 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Masuda in view of U.S. Pat. No. 5,596,730 to Sekine and further in view of U.S. Pat. App. Pub. No. 2008/0291832 to Bordogna et al.

6. Claims 9-13 are allowed.

7. Rejection under 35 U.S.C §102

Claims 1-4 and 14 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0196784 to Masuda. Applicant respectfully disagrees with the Examiner's characterization of this reference.

Regarding claim 1

Present Claim 1 is directed to a service scheduling unit, which includes, among others, "a decapsulating module adapted to decapsulate the encapsulated data stream from the de-mapping module into one or more independent data frames", as recited in Claim 1.

Masuda mentions a transport network in which STM traffic and high-speed LAN traffic are transported in a high capacity STM path. Masuda discloses that "VC R-Module 73R extracts a layer-2 frame from the STM frame corresponding to an appropriate virtually-concatenated channel and detects a GFP frame mapped in the payload field of the STM frame through a de-

mapping process" (paragraph 0041 of Masuda) and that "upon receipt of a GFP frame from the VC receive module 73R, a label converter 74 descrambles ..." (paragraph 0042 of Masuda).

According to present claim 1, the decapsulating of the decapsulating module is to decapsulate its payload into one or more independent data frames. As is explained in our previous response, the object of encapsulation is to demarcate a frame, i.e., determine the start and end of a data packet, and the decapsulation is to divide data into one or more independent packets by stripping off the encapsulation.

Masuda does not mention such a decapsulation process, and the extracting performed by VC R-Module 73R does not correspond to the decapsulating of present claim 1.

As can be obtained from the above disclosure [0041] by Masuda, VC R-Module 73R performs a demapping process to extract a layer-2 frame from the STM frame and detect a GFP frame mapped in the payload filed of the STM frame, in which the extracting is just to extract a layer-2 frame from the STM frame corresponding to an appropriate virtually-concatenated channel, that is, to perform a VC termination, but not to distinguish boundaries between data packets. Furthermore, as can be obtained from the above disclosure [0042] by Masuda, the VC R-Module 73R, after performing the extracting and detecting through demapping process, outputs a frame still with GFP format, but not one or more independent packets. It can be seen that VC R-Module 73R does not perform a decapsulation process and does not divide its payload into one or more independent packets.

Based on the above comparison and analyses, it can be seen that VC R-Module 73R only performs a demapping process, but does not perform a decapsulating process as defined in present claim 1, therefore VC R-Module 73R does not correspond to the decapsulating module in present claim 1. Based on the similar reasons, VC T-Module 73T also does not correspond to the encapsulating module in present claim 1. Thus, Masuda does not disclose the decapsulating module, nor does Masuda teach or disclose the encapsulating module "an encapsulating module,

adapted to receive the decapsulated data frame forwarded by the packet scheduling module and to encapsulate the data frame at the Data Link Layer", as recited in claim 1.

Therefore claim 1 of the present application is distinguished from Masuda at least in that the service scheduling unit of claim 1 comprises a decapsulating module and an encapsulating module, and therefore claim 1 is not anticipated by Masuda.

The US Patent No. 5,596,730 to Sekine relates to an interface for cross-connect system; the US Patent Application PUB. No. 2005/0175004 by Russell relates to concatenation of containers in synchronous digital hierarchy network; and the US Patent Application Pub. No. 2008/0291832 by Borgogna et al. relates to a method for per-port flow control of packets aggregated from multiple logical ports over a transport link.   Neither Sekine, Russell and Borgogna teach or disclose the above distinguishing features of claim 1.

With the above distinguishing features, the packet scheduling module in claim 1 of the present application can adopt a conventional packet switch chip, for example an Ethernet switch chip or an L2/L3 switch chip to carry out the packet switch and scheduling, while according to Masuda, the scheduler 76 needs to support switch of GFP frames or otherwise a new switching unit has to be customized.

As a result, it is respectfully submitted that claim 1 is not anticipated by Masuda and is patentable in view of the cited prior art.

Regarding claims 2-4 and 14

Claims 2-4 and 14 each depend from claim 1 directly or indirectly. The applicant submits that these claims are not anticipated by the cited references and are patentable at least based on the above comments for patentability of claim 1. Therefore, in light of the above discussion of

claim 1, Applicant submits that claims 2-4 and 14 are also allowable at least by virtue of their dependency on claim 1 as well as the additional limitations recited by each of these claims.

8. Regarding Claims Rejections under 35 USC §103

The Examiner states that claims 5-8 are unpatentable over Masuda in view of Sekine and/or Russell and/or Borgogna.

Claims 5-8 each depend from claim 1 directly or indirectly.

"If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious." *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Therefore, in light of the above discussion of claim 1, Applicant submits that claims 5-8 are also allowable at least by virtue of their dependency on claim 1 as well as the additional limitations recited by each of these claims.

9. Applicants acknowledge with gratitude the Examiner's indication of allowability as to claims 9-13.

In view of the above, Applicants submit that the application is now in condition for allowance and respectfully urge the Examiner to pass this case to issue.

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   The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

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